

APPROVED: Meeting No. 38-91

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 36-91

October 14, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 14, 1991, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Under the new animal control ordinance, the position of animal review official has been created. A dozen impressive applications have been received for this position in response to the advertisement in Rockville Reports and other journals. Appointments will be offered to five applicants, and a group of talented, pre-qualified individuals will be developed for contact when hearings are required.

Councilmember Coyle referenced the publication, Living with Wildlife, and asked if there is to be a general distribution of this brochure. Although a citywide distribution is not planned at this time, the brochure will be readily available through the Neighborhood Services Division of the Police Department and upon request to the City.

2. Major rehabilitation work to the water system will be done the week of October 21, which involves the relining of water mains in the Carr Avenue area to support

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the new 24-inch water main across I-270 and Ritchie Parkway. This represents a change in the pattern of water from that of the past 20 years. Because some discoloration of the water may occur, the City will take a proactive approach in notifying residents.

Councilmember Robbins was advised that the City would issue a news release highlighting three or four possible areas where water discoloration may occur. In response to Mayor Duncan, the City Manager advised that the discoloration could last as long as several weeks.

3. Environmental Research and Planning will be completing their final report on the environmental study today, and a copy of the report is expected to be received tomorrow. The City will have the report reproduced, and copies will be made available on Wednesday. The consultant will be making a presentation to the Mayor and Council of the final report.

A date for the consultant's presentation of the report will be discussed later under New Business.

4. On tonight's agenda, there is a major contract award for the landscaping of Ritchie Parkway. The planting design includes over 1,000 trees and 6,000 shrubberies.

Re: Proclamation declaring the
month of October as **STAMP**
COLLECTING MONTH.

Proclamation No. 23-91

By a unanimous vote of the Mayor and Council, the month of October was declared "Stamp Collecting Month" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Robert Lochhead, Postmaster, Rockville, Maryland, accepted the Proclamation.

Mr. Lochhead donated to the City a new stamp series and an album book entitled 1941: A World at War.

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Re: Presentation to Glenn R. Looper, President, Looper Servicer Inc., in recognition of Looper Servicer's 60th anniversary of service to the Rockville community.

The Mayor and Council presented Glenn Looper with a Certificate in recognition of Looper Servicer's 60th anniversary of service to the Rockville community as well as a key to the City. Mayor Duncan commented on Mr. Looper's extensive involvement with the community which includes service as a past president of the Rockville Chamber of Commerce; member of the County Consumer Affairs Advisory Board; arbitrator, National Better Business Bureau; member of the City's Long Range Traffic and Transportation Committee.

Delegates Michael Gordon and Jennie Forehand also made presentations to Mr. Looper for his assistance to the State legislature in environmental matters, particularly for initiating legislation on recycling used oil.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Bob Slovic, 9 Dairyfield Court, thanked the Mayor and Council for arranging the meeting with the environmental consultant conducting the study of the proposed Cabin John Lake. He looks forward to receiving a copy of the consultant's final report.

Mr. Slovic also submitted, on behalf of his wife, more signatures collected for the petition in opposition to the Cabin John Lake project.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

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Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Mayor Duncan abstaining, the minutes of Meeting No. 33-91 (September 16, 1991) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded, with Councilmember Coyle abstaining, the minutes of Meeting No. 34-91 (September 23, 1991) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded, with Mayor Duncan and Councilmember Robbins abstaining, the minutes of Meeting No. 35-91 (September 30, 1991) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 32-92, Computer Equipment and Software, to Intelligent Electronics; CompuAdd Corporation; Government Technology Services; and Dynamic Systems Integration for a total bid of \$35,625.40.

The contract includes computer hardware and software for various departments. The amount budgeted for this acquisition is \$38,690.

- B. Rejection of Bid No. 34-92, Landscape Survey of Historic Properties, from sole bidder, Goshen Greens, Inc., in the amount of \$28,955.

This project involves providing a comprehensive landscape survey of historic properties within the City of Rockville. The amount budgeted in the CIP is \$15,000.

- C. Award of Bid No. 36-92 for Ritchie Parkway Landscaping to Facility Services Co. of Maryland, in the amount of \$216,513.00. The budget

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for Ritchie Parkway is \$300,000, and the engineer's estimate for the work is \$295,000. Seven firms submitted bids ranging from the low of \$216,513 to a high of \$344,555.20.

The contractor is prepared to implement this project in accordance with the plans, specifications and schedule.

- D. Award of Bid No. 39-92, Gypsy Moth Egg Mass Survey, to low bidder, National Gypsy Moth Management Group, in the amount of \$7,800 for Year I.

The contract consists of performing field surveys of egg masses, results and recommendations. Funds in the amount of \$10,000 have been budgeted for this purpose.

- E. Award of Bid No. C92-007 for the purchase of road salt to Morton Salt for the low bid of \$29.84 per ton and the projected annual purchase of 1,500 tons for \$44,760.

Prince George's County is the lead jurisdiction, on behalf of the Metropolitan Washington Council of Governments, for purchasing salt. The City's budget for this item is \$47,250.

- G. Authorization to contract with Duke's Sales & Services, Inc., Syracuse, New York, to extend the City's multi-year sewer root control agreement for maintenance of sewer pipes at a fixed rate of \$1.30 per foot.

This is a sole source contract. There have been no other bidders for this work since the initial contract in 1981. Washington Suburban Sanitary Commission's contract for this same service is at \$1.39 per foot.

- H. Purchase of an upgrade to the City's IBM mainframe operating system from IBM Corporation in the amount of \$40,903. This upgrade will enable

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the City to take full advantage of the new ESA hardware.

Funding for this procurement, in the amount of \$45,000, is included in the FY1992 Data Processing appropriation.

Re: Authorization to increase the compensation to Greenhorne & O'Mara for additional engineering services required for the design of Ritchie Parkway in the amount of \$34,344.

Greenhorne & O'Mara took over this project after the original engineering firm defaulted and failed to complete project design. The original contract was \$337,417, and, while the City Manager can approve an increase of ten percent (\$33,741.70), Mayor and Council action is required for any amount in excess of ten percent.

Councilmember Coyle had requested that this item (F) be removed from the Consent Agenda. Staff advised that the subject action is a result of the expanding scope of the contract primarily due to environmental concerns. In response to Councilmember Coyle's question as to whether this amount will complete the project, the City Manager advised that the road project is nearing completion; however, there will be more work required with respect to wetlands.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, authorization was provided to increase the compensation to Greenhorne & O'Mara for additional engineering services required for the design of Ritchie Parkway in the amount of \$34,344.

Re: Discussion and Instructions to Staff - Text Amendment Application T-119-91, Rockville

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Planning Commission, Applicant.

This amendment would provide a greater amount of time to implement certain approved subdivision and land development applications.

In response to a question raised at the subject public hearing, the Planning Commission informed the Mayor and Council by memorandum that it has discussed the possibility of giving some consideration to applicants of recently expired permits and determined that this issue is solely within the purview of the Mayor and Council.

In response to Councilmember Coyle, staff advised that there is only one application that recently expired and would fall into this category. However, it is not the Planning Commission's desire to reactivate applications once they have expired. If the applicant wishes to refile, the application would probably be promptly reapproved. The applicant could make a request to the Mayor and Council for review of the fee, and this would be something that the Mayor and Council could consider on a case-by-case basis.

Councilmember Marrinan inquired as to whether there would be less staff time and work involved when an application was refiled, and staff responded that if all conditions were the same as when the application was originally approved, this would be the case.

Following discussion, it was agreed that an applicant would apply to the Mayor and Council for a waiver of fee or refund in the case of a refiling.

Insofar as the Historic District Commission's proposal to amend the text amendment is concerned, the City Attorney advised that this amendment would fall within the scope of the text amendment application as advertised.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation for introduction of this text

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amendment to increase the term of the original approval for applications from one year to two years; to provide for two one-year time extensions for each application for good cause shown; to include a "grandfather" clause that will extend new time limits to all approved applications that are still valid at the time of adoption of the new ordinance; and to include certificates of approval issued by the Historic District Commission.

Re: Review of parking utilization
at Middle Lane parking lot

The City Manager reported that it has been one year since the City undertook operation of the Middle Lane lot. Primarily, it was done to provide free four-hour parking for Metro Center shoppers and District Court visitors on one-half of the lot. The City continues to sell permits only to those people who had been users of the parking lot under the previous management. As to be expected, for various reasons, some permits have not been renewed. The current policy dictates that new permits not be issued to replace those lost through attrition. Over the year, however, requests were routinely received from individuals who wished to purchase new permits.

Two conclusions can be drawn:

1. It appears that the City is meeting the demand for free parking, and the free parking area is not being utilized 100% of the time.
2. Because of the decline in the number of permits being sold, there is an under utilization of permit spaces. Additional revenues could accrue to the City by selling more permits as there is a demand for these spaces.

In addition to general requests for permits, one specific request has been received from a business owner to purchase multiple permits for his particular business.

The City Manager recommended to the Mayor and Council that permits be issued for those lost through attrition. This would not increase the number of permit parking spaces. An opportunity would then be presented for individuals to compete on an equal basis for these spaces.

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Discussion ensued as to the impact on free parking now that towing from the Pier One lot has ceased.

Mayor Duncan stated that the intent of the City in taking over management of the Middle Lane parking lot was to provide free parking for downtown visitors and to sell permits for those needing Metro access. He would like to see the Council reaffirm this policy and thereby direct local businesses to the Metro Center garage.

Councilmember Marrinan indicated that, as a way of keeping permit parking to actual commuters, those who purchased permits in the Middle Lane lot were required to file a letter on business stationery indicating that they used the Metro system. He suggested, and the Mayor and Council agreed, that new permits have a similar requirement.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the City Manager was directed to move forward with developing a way to increase permit parking to an appropriate level while keeping the number of free spaces the same.

Councilmember Marrinan commended staff for the excellent maintenance of the lot and the recent removal of the attendant's booth.

Re: FYI/Correspondence

Jacquelin Williams Park Dedication

In order that the Mayor and Councilmembers may attend the dedication at 11:00 a.m. on October 19, it was agreed that the drop-in scheduled for that day would be cancelled.

Incorrect Article on UMTA (Urban Mass Transit Administration) Grant

Mayor Duncan stated that he was rather surprised to read that the City had chosen to "give up" this grant. The City Manager noted that the newspaper article contained a number of inaccurate statements, including the fact that the Transportation Action Partnership no longer exists.

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The City Manager reviewed the chronology of the grant process, noting that with the improved traffic conditions on Rockville Pike as a result of improvements on I-270 and the addition of the Falls Road interchange, the urgent need for a "people mover" on Rockville Pike has dissipated. The original scope of the project could not be supported by the Rockville Pike Plan. Following approval of the Rockville Pike Corridor Plan, staff and UMTA representatives discussed restructuring of the grant, attempting to find a project to fit the Plan and one for which funds were available. As of this date, the City has never received an official response from UMTA as to the continued availability of these grant funds.

Clarification was provided that neither the City nor the Mayor and Council had ever advised UMTA that there was no interest in pursuing another use of the grant money.

Mayor Duncan requested that the City Manager have staff follow-up with the Gazette regarding the number of factual errors contained in the article.

Re: New Business

COG Actions

Councilmember Marrinan reported on actions of the COG Board of Directors at their October 9 meeting:

- o adopted a resolution to oppose interference with public safety communication in connection with the installation of the Channel 14 transmitter in the District. This issue surfaced at a meeting of COG's Public Safety Committee of which Councilmember Coyle is a member. At Councilmember Coyle's request, the City forwarded a letter to the Federal Communications Commission expressing concern with the issuance of a use permit for this channel.

- o adopted a resolution accepting a report on educational programs for homeless children. There is an editorial in today's Washington Post regarding the artificial barriers existing for children and work being initiated to correct the obvious deficiencies.

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IBM Volunteer Program

Councilmember Coyle referred to a volunteer program offered by IBM where employees assist senior citizens on weekends with home repairs. He visited a house over the weekend where such repairs were being made and requested that a letter be sent to IBM thanking them for providing this excellent service to our senior citizens.

Legislative District Meeting

Councilmember Coyle reported on the meeting held last week with the 17th legislative district representatives and officials from Rockville, Gaithersburg and Garrett Park. This meeting provided an excellent opportunity to discuss the problems at the state level and the redefinition of roles, state versus local, to meet citizen needs, especially in light of the growing ethnic population. Cities, such as Rockville and Gaithersburg, are constantly called upon to provide services not heretofore required.

There was considerable discussion as to where and how the local governments might enhance their ability to increase revenues. One such issue involves the fact that all of the revenue generated from speeding tickets issued by City police goes to the state. The delegates were receptive to the proposal to amend the law to provide that the City receives all or a portion of this revenue.

Councilmember Hovsepien reported reading of a proposal to assess residents and businesses a "utility fee" for stormwater runoff. Inasmuch as the City has been commended for its stormwater management and retrofitting program, she wondered if such a program would apply to Rockville. Although local governments may invest additional funds to meet state policies and programs, Councilmember Coyle pointed out that Rockville and other local governments are not given credit for these expenditures when new requirements, such as the proposed utility charge, are imposed.

State Parcels Adjoining I-270

Councilmember Coyle referenced the property on the corner of Falls Road and

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I-270, noting that the property had been cleaned out and graded. He requested information regarding the state's intention with respect to these two parcels.

Consultant Presentation on Environmental Study

It was agreed that an appropriate date for this presentation would be selected and such date would be announced to the public.

Re: Next Meeting

On October 21, 1991, there will be a public hearing on Street Closing and Abandonment Application SCA-63-91, to close and abandon Halpine Avenue between Chapman Avenue and Rockville Pike.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:48 p.m., to convene again in Public Hearing at 7:30 p.m. on October 21, 1991, or at the call of the Mayor.